

**REMARKS**

Claims 1-10 and 12-24 of the application stand rejected in the Office Action dated October 23, 2008. Applicants once again respectfully remind the Examiner that the pending claims are in fact Claims 1, 2, 4-10 and 12-24 (Claims 3 and 11 were previously canceled in the Response dated September 13, 2007). Applicant's response herein is therefore directed to pending Claims 1, 2, 4-10 and 12-24. Claims 1, 5, 7, 9, 12-14, 16, 17, 21 and 23 have been amended herein to further clarify the invention. Additionally, Claims 8, 15 and 24 have been canceled herein without prejudice to the filing of continuations and/or divisionals. Applicants respectfully request reconsideration of pending Claims 1, 2, 4-7, 9, 10, 12-14 and 16-23 in light of the amendments and remarks herein.

35 U.S.C. §103

1, 2, 4-10 and 12-24 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Bork et al. (U.S. Patent No. 6,954,657, hereafter "Bork") in view of O'Neill et al. (U.S. Publication 2004/0224693, hereafter "O'Neill"). Claims 8, 15 and 24 have been canceled herein and the rejections to those claims are therefore moot. Applicants respectfully traverse the rejections with respect to remaining Claims 1, 2, 4-7, 9, 10, 12-14 and 16-23.

Applicants appreciate the Examiner's further explanation regarding Bork and O'Neill. Specifically, the Examiner submits that the claims do not include the environmental information as argued by Applicants and as a result, the Examiner assumes that the Applicants are referring to "user's physical context information" which may include a GPS location disclosed in Bork. The Examiner additionally disagreed with Applicant's previously submitted assertion that Bork describes a system that is merely sensitive to its environment, resembling the prior art schemes described in Paragraph 9 of the Specification. Instead, the Examiner submits that since Bork describes itself as an "intelligent alerting system" in Col. 2, line 4, Bork is not a system that is merely sensitive to its environment.

Applicants respectfully disagree with the Examiner. In order to further clarify the invention, Applicants have explicitly added in the language of "environment

information” into the claims and additionally expanded upon the various claim elements. Thus, while Applicants concede that Bork teaches an alerting system and that O’Neill describes the concept of notifying a user of appointments, meetings, etc., Applicants nonetheless submit that the combination of Bork and O’Neill does not in fact render the claimed elements unpatentable, as discussed in further detail below. Applicants additionally concede that the TSM test is not the current test for combining references. Applicants submit, however, that even under the KSR “common sense” test applicable today, the combination of Bork and O’Neill fail to teach or suggest the claimed invention.

The current invention provides a scheme to ensure that a device may behave differently for different users because the users’ schedules may differ. Thus, while Applicants concede that Bork does in fact make reference to adjustments based purely on surrounding environmental factors, it makes no attempt to utilize any personalized user schedule information to customize that information. Bork therefore resembles the prior art scheme in the Specification in Paragraph 9 wherein the “devices behave the same for all users”. In other words, the device may adjust its behavior according to surrounding environmental factors but there is no teaching or suggestion in Bork that the user’s schedule or any user defined preferences may be processed with the environmental factors to provide highly customized direction to the mobile device.

The Examiner suggests that the fact that O’Neill teaches a system that includes a schedule that notifies the user of different events would be obvious to combine with Bork to achieve the claimed invention. Applicants strongly disagree. Even if combined, on its face, the combination of Bork with O’Neill simply suggests that the device may receive surrounding environmental factors and may also include a scheduling mechanism that notifies the user of various appointments. Nothing whatsoever in either reference teaches or suggests combining the environmental information together with the user’s location information AND the user’s schedule to generate user context information, and to then utilize the user context information in conjunction with any user defined preferences that may exist to determine what action to take. Simply put, the schemes described in the references simply do not contemplate a completely personalized user experience on a mobile device. As claimed in the independent claims,

the presently claimed invention includes the concept of “user context information” that is unique to each user and includes environment, location and schedule information, which may then be processed with user defined preferences, if they exist.

In summary, Applicants respectfully submit that Claims 1, 2, 4-7, 9, 10, 12-14, 16-23 are patentable over Bork and/or O’Neil. Applicants therefore respectfully request the Examiner to withdraw the 35 U.S.C. § 103 rejections to these claims.

**CONCLUSION**

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1, 2, 4-7, 9, 10, 12-14 and 16-23 are in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any remaining questions, he is encouraged to contact the undersigned at (714) 730-8225.

Respectfully submitted,

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